

ORDINANCE NO. ____

AN ORDINANCE PROHIBITING INSTALLATION OF CERTAIN WATER SOFTENERS AND AUTHORIZING THE CITY MANAGER TO ESTABLISH A PROGRAM FOR PURCHASING EXISTING WATER SOFTENERS.

The city council of the city of Santa Paula does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. The California Legislature determined that consumers using water for general domestic purposes, including drinking, cleaning, washing, personal grooming, and sanitation is a right that may be regulated only when necessary for specified health and safety purposes or to protect the quality of the waters of the state.
- B. The California Legislature determined that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship.
- C. The City is currently undertaking all reasonable and practicable efforts to have its wastewater discharge comply with the requirements set forth in permits, including time schedule orders, issued and regulated by the California Regional Water Quality Control Board, Los Angeles Region, pursuant to the Porter-Cologne Water Quality Control Act (Water Code §§ 13000 *et seq.*).
- D. Prohibiting the installation, of self-regenerating water softening appliances (SRWS) is one of the only available means of achieving compliance with wastewater discharge limitations for chloride imposed by the Regional Board.
- E. The City has adopted and is enforcing regulatory requirements that limit the volumes and concentrations of saline discharges from nonresidential sources in the community waste disposal system to the extent technologically and economically feasible. Among other things, Santa Paula Municipal Code ("SPMC") Chapter 51 imposes specific limits on the discharge of chlorides for nonresidential dischargers (see SPMC § 51.077). Violations of Chapter 51 constitute misdemeanors (see SPMC § 13.10).
- F. A study entitled *Impact of Water Softeners on Water Quality in the City of Santa Paula*, dated August 2005, was conducted by Boyle Engineering for

the City of Santa Paula and substantiates the findings set forth in this ordinance ("Study"). The Study is on file with the City Clerk's office and is incorporated by this reference as if fully set forth.

- G. The Study's findings, which are incorporated by reference, are based upon an examination of all sources of salinity, including, without limitation, residential water softening or conditioning appliances; residential consumptive use; industrial and commercial discharges; and seawater or brackish water infiltration and inflow into the City's wastewater reclamation system.
- H. The Study was made in accordance with the requirements of Health and Safety Code § 116786(c).
- I. Based upon the Study, the City's total maximum daily limit (TMDL) for chloride would be reduced by [REDACTED] if it were to prohibit Self-Regenerating Water Softening Appliances (SRWS's) beginning in [REDACTED]. This reduction in chloride TMDL would significantly advance the City's efforts to comply with chloride limits imposed by the Regional Board.
- J. In order to further the City's goal of reducing the amount of chloride discharges, the Council also believes that it is in the public interest to reduce the number of existing SRWS's by adopting a "buy-back" program. Such a program would either pay owners of existing SRWS's to remove such appliances; subsidize the purchase of new water softeners that utilize acceptable technologies; or a combination of such efforts. This ordinance will authorize the City Manager to implement such a program.
- K. This ordinance is intended to protect public health and safety by reducing the amount of pollutants that are discharged into waters commonly used by all Californians and thereby enhancing the quality of life enjoyed by all members of this community.

SECTION 2: A new Chapter 57, consisting of §§ 57.10 to 57.50 and entitled "*Water Softeners*," is added to the Santa Paula Municipal Code ("SPMC") to read as follows:

“Chapter 57

WATER SOFTENERS

57.10: Purpose.

57.20: Definitions.

57.30: Prohibition.

57.40: Exceptions.

57.50: Buy-back program.

57.10: Purpose.

This Ordinance is adopted pursuant to the City’s police powers and Health and Safety Code § 116786, for the purpose of improving water quality, including, without limitation, protecting beneficial uses of the Santa Clara River downstream of the City’s Wastewater Reclamation Plant.

57.20: Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter:

- A. “Residence” means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.
- B. “Self-Regenerating Water Softening Appliances” (SRWS) means a water softening device that removes calcium and magnesium salts from water by using an ion-exchange resin utilizing sodium chloride during the ion-exchange process. The ion-exchange resin used in SRWS’s is recharged by using a sodium chloride brine solution which is subsequently discharged into the city’s sewer system. SRWS’s may be automatically recharged by timer or sensor.

57.30: Prohibition.

It is unlawful for any person to install or cause to be installed a SRWS in a residence located within the city’s jurisdiction.

57.40: Exceptions.

This chapter does not apply to Water Softeners recharged by portable cartridges supplied by service providers where the brine solution resulting from a Water Softener recharge is not discharged into the City's sewer system.

57.50: Buy-back program.

The city manager is authorized to promulgate administrative policies and procedures designed to implement this chapter and to establish a "buy-back" program to assist in reducing the number of existing SRWS's within the city's jurisdiction. The amount allocated for such a buy-back program will be determined by city council resolution."

SECTION 3: This Ordinance is categorically exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA"), CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) and the City's Environmental Guidelines since its adoption would generally implement measures to protect the environment. Accordingly, §§ 15301 (Class 1), 15304 (Class 4), 15305 (Class 5), 15307 (Class 7), 15308 (Class 8), 15309 (Class 9), and 15321 (Class 21) of the CEQA regulations exempt the Ordinance from further environmental review.

SECTION 4: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Santa Paula's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 6: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2006.

Richard C. Cook, Mayor

ATTEST:

Josie G. Herrera, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

APPROVED AS TO CONTENT:

Wally Bobkiewicz, City Manager